

**REMARKS**

Claims 16-25 were pending and examined in the July 2, 2002 Office action. Claims 16, 21 and 24 have been amended herein. Thus, claims 16-25 are now pending in this application. Applicant respectfully requests reconsideration of this application.

Claims 16, 20, 21 and 23-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Siemens Servo Ventilator 300, as disclosed in the non patent literature, Operating Manual for Siemens Servo Ventilator 300. Applicant has amended independent claims 16, 21 and 24 to overcome the rejection by Examiner.

Applicant has amended claim 16 to recite that the “inspiration valve is closed during expiration and the expiration valve is closed during inspiration.” Similarly, claim 24 has also been amended to recite that “the valve controller closes the inspiration valve during expiration and closes the expiration valve during inspiration.” Support for these amendments can be found on page 4, lines 4-18, of the current application. This limitation is not disclosed in the Siemens Servo Ventilator 300 reference, in particular, there are no means to interrupt the communication of the gases with the inspiration branch during the expiration phase. The Siemens Servo Ventilator 300 reference discloses a continuous flow of air from the inspiratory branch into the expiratory branch during expiration to allow the ventilator to detect the beginning of inspiration by the patient. Therefore, amended independent claims 16, 24, and the claims which depend therefrom are patentable over the Siemens Servo Ventilator 300 reference.

Claim 21 has also been amended by Applicant to recite that the “pressure detector [is] operatively connected to said inspiratory branch and disposed on said patient connection.” The Siemens Servo Ventilator 300 reference does not disclose that the pressure detector is located on the patient connection, but as seen on page 16 of the Operating Manual, the pressure transducer 5

is located inside the machine. For this reason, claims 21 and 23 are not anticipated by the Siemens Servo Ventilator 300 reference.

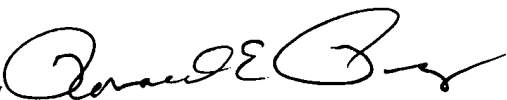
Applicant respectfully submits that dependent claims 17, 18, 19 and 22 are also allowable over the Siemens Servo Ventilator 300 reference because they depend from independent claims, which as discussed above include at least one limitation not found in the Siemens Servo Ventilator 300 reference.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made"**.

In view of the foregoing, Applicant respectfully submits that claims 16-25 are in condition for allowance, and that the application should be passed to issue. The Examiner is encouraged to contact the undersigned should there be any questions or resolvable matters regarding this application.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By   
\_\_\_\_\_  
Ronald E. Perez, Reg. No. 36,891  
Attorneys for Applicant

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, California 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
**Customer No. 24201**  
247450.1

**Version With Markings To Show Changes Made**

**In The Claims:**

Please amend claims 16, 21 and 24 as follows:

16. A breathing aid device, comprising:

a patient connection;

an inspiratory branch in fluid communication with said patient connection, said  
inspiratory branch including an inspiration valve;

5 an expiratory branch in fluid communication with said patient connection and said  
inspiratory branch;

means for controlling expiration in fluid communication with said expiratory  
branch, said means for controlling expiration including an expiration valve;

means for detecting pressure operatively connected to said inspiratory branch;

10 means for ventilating in fluid communication with said inspiratory branch, said  
means for ventilating including means for supplying a breathable gas through said inspiratory  
branch at an adjustable pressure, said means for ventilating further including means for  
controlling the inspiration valve and the expiration valve, wherein the inspiration valve is closed  
during expiration and the expiration valve is closed during inspiration, said means for ventilating  
15 further including pressure control means for comparing a pressure command to a pressure signal  
provided by said means for detecting pressure and for adjusting the pressure of the means for  
supplying; and

means for regulating a patient's breathed volume, said means for regulating  
including means for controlling volume and means for measuring volume, wherein the means for  
20 controlling volume provides the pressure command to the pressure control means, and wherein

the means for measuring volume provides a signal indicative of a measured volume of breathed gas to the means for controlling volume.

21. A breathing aid device, comprising:

a patient connection;

an inspiratory branch in fluid communication with said patient connection, said inspiratory branch including an inspiration valve;

5 an expiratory branch in fluid communication with said patient connection and said inspiratory branch;

an expiration device in fluid communication with said expiratory branch, said expiratory branch including an expiration valve;

a pressure detector operatively connected to said inspiratory branch and disposed  
10 on said patient connection;

a ventilation unit in fluid communication with said inspiratory branch, said ventilation unit including a source of breathable gas at an adjustable pressure, said ventilation unit further including a valve controller for opening and closing the inspiration valve and the expiration valve, said ventilation unit further including a pressure controller for comparing a  
15 pressure detected by said pressure detector to a pressure command and for adjusting the pressure of the source of breathable gas; and

a regulator for regulating a patient's breathed volume, said regulator including a control unit and a measuring unit, wherein the control unit provides the pressure command to said ventilation unit, and wherein the measuring unit provides a signal indicative of a measured  
20 volume of breathed gas to the control unit.

24. A breathing aid device, comprising:

a patient connection;

an inspiratory branch in fluid communication with said patient connection, said inspiratory branch including an inspiration valve;

5. an expiratory branch in fluid communication with said patient connection and said inspiratory branch, said expiratory branch including an expiration valve;

a pressure detector operatively connected to said inspiratory branch;

a source of breathable gas at an adjustable pressure in fluid communication with said inspiratory branch;

10 a valve controller for opening and closing the inspiration valve and the expiration valve, wherein the valve controller closes the inspiration valve during expiration and closes the expiration valve during inspiration;

a pressure controller for comparing a pressure detected by said pressure detector to a pressure command and for adjusting the pressure of the source of breathable gas;

15 a control unit for providing the pressure command to said pressure controller; and  
a measuring unit for providing a signal to the control unit indicative of a measured volume of breathable gas detected per breathing cycle to the patient connection.